

May 19, 2004

RONALD BRAUN II  
18137 197<sup>TH</sup> PLACE NE  
WOODINVILLE WA 98072

Subject: Complaint Filed Against Geoffrey Clayton, PDC Case No. 04-314

Dear Mr. Braun:

The Public Disclosure Commission staff has completed its investigation of your complaint received November 24, 2003 alleging that Geoffrey Clayton, a candidate for Water Commissioner in the Woodinville Water District in the 2003 general election, falsely implied that he was an incumbent water commissioner in his political advertising, in violation of RCW 42.17.530(1)(b) when he listed his name on political signs along with the position of Water Commissioner without clearly stating that he was seeking the office.

The PDC staff reviewed your allegations in light of the following statute:

**RCW 42.17.530** prohibits a person from sponsoring, with actual malice, political advertising that makes either directly or indirectly a false claim of support or endorsement when the candidate does not have such support or endorsement. "Actual malice" means to act with knowledge of falsity or with reckless disregard as to truth or falsity. Any violation of this section shall be proven by clear and convincing evidence.

We found that:

- Geoffrey Clayton was a candidate for Woodinville Water District Commissioner in the 2003 general election. He was not the incumbent.
- Mr. Clayton ordered yard signs for his campaign that stated, "*Geoff Clayton Woodinville Water Commissioner Pos. 4.*" Mr. Clayton stated that when he learned from PDC staff that his signs could be viewed as falsely implying that he was the incumbent, he corrected the signs by writing the word "for" on them with a marker such that the signs read, "*Geoff Clayton for Woodinville Water Commissioner Pos. 4.*" Mr. Clayton estimated that he inadvertently failed to alter approximately five to ten percent of the 400 signs posted.

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Mr. Clayton attempted to mitigate the error in his signs by altering them to clearly state that he was seeking the office of Woodinville Water Commissioner. Although some of the signs were inadvertently not corrected, the vast majority of signs were corrected. We found no evidence that Mr. Clayton acted with actual malice, and PDC staff does not believe that enforcement is warranted in this instance.

After a careful review of the alleged violations and relevant facts, we have concluded our investigation and, with the concurrence of the Vice Chair of the Public Disclosure Commission, acting on behalf of the Chair, I am dismissing your complaint against Geoffrey Clayton.

If you have questions, please contact Phil Stutzman, Director of Compliance, at (360) 664-8853 or toll-free at 1-877-601-2828.

Sincerely,

Vicki Rippie  
Executive Director

c: Geoffrey Clayton